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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,617

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Hisatoshi Motoda

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EXAMINER

GRAY, JILL M

ART UNIT

PAPER NUMBER

1794

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,617	<b>Applicant(s)</b> MOTODA ET AL.	
	<b>Examiner</b> Jill Gray	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/31/2006;04/18/2006;08/24/2006</u> .                        | 6) <input type="checkbox"/> Other: ____.                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 6-14, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by von Blucher et al., 4,610,905 (von Blucher).

von Blucher discloses a filler-affixed fiber and fiber structure and fiber molded body comprising a fiber, a binder resin on the fiber surface and a filler affixed to the binder resin, as required by claims 1, 4 and 18. The fiber structure is of the type contemplated by applicants in claim 6, such as (I) a conjugate fiber that includes said resin component and another thermoplastic synthetic fiber component, per claim 6. See entire document and for example abstract, column 2, lines 57-62. The binder resin is a heat and humidity gelling resin and the filler is inorganic particles such as an adsorbent that can be activated carbon, as required by claims 8-9 and 11-13. See column 3, lines 31-45. When the adsorbent is activated carbon, the fiber structure

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necessarily forms a water purifying material as required by claim 14. In addition, von Blucher discloses that his fiber structure can be a braided textile structure. This teaching meets the requirement for present claim 10, of a nonwoven fabric. Regarding claims 3 and 7, von Blucher discloses that the particle size can be from 0.01 to 50 $\mu$ m, which is within the present claimed range. Regarding claim 17, the limitation of "the fiber structure is compression molded and affixed in the direction of thickness" is directed to the process of making the fiber structure. Likewise in claims 1, 4 and 18, the language of "that is caused to gel by heating in the presence of moisture" is directed to the process of making, and also in claim 18, the language of "produced by causing the heat and humidity gelling resin to gel under heat and humidity and the fiber structure is molded in a predetermined shape" is directed to the process of making said molded body. In claim 19, the language of "is molded by contact pressure mold processing" is directed to the process of making the fiber molded body of claim 18. Process limitations within a product claim add no patentable weight because patentability is based upon the product itself, in the absence of factual evidence to the contrary. Applicants must distinguish the presently claimed product from the prior art product. Applicants are invited to provide such evidence.

Therefore, the teachings of von Blucher anticipate the invention as claimed in present claims 1, 3-4, 6-14, and 17-19.

3. Claims 1-2, 4-6, 8, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ninomiya et al., 6,174,949 B1 (Ninomiya).

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Ninomiya discloses a filler-affixed fiber and fiber structure and fiber molded body comprising a fiber, a binder resin on the fiber surface and a filler affixed to the binder resin, as required by claims 1, 4 and 18. The gelling resin is ethylene-vinyl alcohol copolymer resin as required by claims 2 and 5 and the fiber structure is of the type contemplated by applicants in claim 6, such as (I) conjugate fiber that includes a heat and humidity gelling resin component and another thermoplastic synthetic fiber component. See entire document, and for example, abstract and column 11, lines 24-45. Moreover, Ninomiya discloses that the filler is inorganic particles and that the fibrous structure can be a nonwoven fabric. See column 4, line 50 through column 5, line 13, and column 11, line 31. Regarding claim 17, the limitation of "the fiber structure is compression molded and affixed in the direction of thickness" is directed to the process of making the fiber structure. Likewise in claims 1, 4 and 18, the language of "that is caused to gel by heating in the presence of moisture" is directed to the process of making, and also in claim 18, the language of "produced by causing the heat and humidity gelling resin to gel under heat and humidity and the fiber structure is molded in a predetermined shape" is directed to the process of making said molded body. In claim 19, the language of "is molded by contact pressure mold processing" is directed to the process of making the fiber molded body of claim 18. Process limitations within a product claim add no patentable weight because patentability is based upon the product itself, in the absence of factual evidence to the contrary. Applicants must distinguish the presently claimed product from the prior art product. Applicants are invited to provide such evidence.

Therefore, the teachings of Ninomiya anticipate the invention as claimed in present claims 1-2, 4-6, 8, and 17-19.

4. Claims 1, 4, 6, 8-9, 11, 15-19 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Swoboda et al., US 2003/0152724 A1.

Swoboda discloses producing a filler-affixed fiber, fiber structure and fiber molded body, wherein one of said methods comprises coating cellulosic fiberboard web with a binder optionally containing a pigment, and coating both surfaces of the paperboard web, per claims 1, 4, 6, and 18. See entire document, and for example [0041] and [01116], [0195]. The polymeric binder is of the type contemplated by applicants, such as ethylene vinyl acetate copolymer. See [0017] The pigment is an inorganic pigment of the type contemplated by applicants in such as alumina or silica, per claims 8, 9 and 11. In addition, Swoboda discloses that both sides the web can be coated, per claims 15-16, and that said web is compression molded, per claims 17 and 19. However, regarding claim 17, the limitation of "the fiber structure is compression molded and affixed in the direction of thickness" is directed to the process of making the fiber structure. Likewise in claims 1, 4 and 18, the language of "that is caused to gel by heating in the presence of moisture" is directed to the process of making, and also in claim 18, the language of "produced by causing the heat and humidity gelling resin to gel under heat and humidity and the fiber structure is molded in a predetermined shape" is directed to the process of making said molded body. In claim 19, the language of "is molded by contact pressure mold processing" is directed to the process of making the fiber molded body of claim 18. Process limitations within a product claim add no

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patentable weight because patentability is based upon the product itself, in the absence of factual evidence to the contrary. Applicants must distinguish the presently claimed product from the prior art product. Applicants are invited to provide such evidence.

Therefore the teachings of Swoboda anticipate the invention as claimed in present claims 1, 4, 6, 8-9, 11, and 15-19.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to



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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swoboda et al., US 2003/0152724 A1 (Swoboda), as applied above to claims 1, 4, 6, 8-12, and 15-19.

Swoboda discloses methods for producing a filler-affixed fiber, fiber structure and fiber molded body, wherein one of said methods comprises coating cellulosic fiberboard web with a binder optionally containing a pigment, and coating both surfaces of the paperboard web, per claims 20 and 28. See entire document, and for example [0041] and [01116], [0195]. The polymeric binder is of the type contemplated by applicants, such as ethylene vinyl acetate copolymer. See [0017] In addition, Swoboda discloses that after coating on both sides the web can be moistened and subsequently die pressed, per claims 26, 29-31. In addition, Swoboda discloses that the web can be subjected to a steam heated dryer, per claims 21-25, 27. See [0153] and [0226]-[0227].

Therefore the teachings of Swoboda would have rendered obvious the invention as claimed in present claims 20-31.

No claims are allowed.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTOL 892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524.

The examiner can normally be reached on M-Th and alternate Fridays 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jill Gray  
Primary Examiner  
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